

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
**G [REDACTED] L [REDACTED], an infant by SERENA LICASTRO, Her
Natural Mother and Legal Guardian and SERENA
LICASTRO, Individually,**

Plaintiffs,

-against-

**SEAWORLD PARKS & ENTERTAINMENT, INC. d/b/a
SESAME PLACE PHILADELPHIA and SEAWORLD
PARKS & ENTERTAINMENT LLC d/b/a SESAME
PLACE PHILADELPHIA,**

Defendants.

**COMPLAINT
Plaintiff Demands
A Trial By Jury**

-----X
Plaintiff, by DEVON M. RADLIN, his attorney, respectfully alleges as follows:

PARTIES

1. That at all times herein mentioned, plaintiffs were and still are residents of the County of Richmond and State of New York.
2. That at all the times herein mentioned, the infant plaintiff G [REDACTED] L [REDACTED] ("G.L."), was nine (9) years of age, having been born on April 2, 2013.
3. That at all the times herein mentioned the plaintiff, SERENA LICASTRO ("LICASTRO"), was and still is the Natural Mother and Legal Guardian of the infant plaintiff G.L., and as such was responsible for her support and maintenance.
4. Upon information and belief, the named defendant SEAWORLD PARKS & ENTERTAINMENT LLC d/b/a SESAME PLACE PHILADELPHIA (SEAWORLD LLC) is a foreign limited liability company formed in the state of Delaware, the sole member

of which is **SEAWORLD PARKS & ENTERTAINMENT, INC. d/b/a SESAME PLACE PHILADELPHIA (SEAWORLD INC)** which is incorporated in Delaware and has a principal place of business at 1200 South Pine Island Road, Suite 250, City of Plantation, State of Florida.

5. That at all times herein mentioned, defendants **SEAWORLD INC** and **SEAWORLD LLC**, jointly and severally, by and through their agents, servants, officers, employees, maintained an amusement park known as **SESAME PLACE PHILADELPHIA (“SPP”)** located at 100 Sesame Road, Langhorne, Philadelphia 19047 which attracts thousands of visitors each year from multiple states within the United States, including the State of New York, specifically visitors consisting of families with younger children to engage in their rides, attractions, restaurants, tours and rides designed for children.
6. That at all the times herein mentioned, defendant **SEAWORLD LLC**, by and through its agents, servants, officers and employees, controlled the **SPP**.
7. That at all the times herein mentioned, defendant **SEAWORLD LLC**, by and through its agents, servants, officers and employees, operated the **SPP**.
8. That at all the times herein mentioned, defendant **SEAWORLD LLC**, by and through its agents, servants, officers and employees, managed the **SPP**.
9. That at all the times herein mentioned, defendant **SEAWORLD INC**, by and through its agents, servants, officers and employees, controlled the **SPP**.
10. That at all the times herein mentioned, defendant **SEAWORLD INC**, by and through its agents, servants, officers and employees, operated the **SPP**.
11. That at all the times herein mentioned, defendant **SEAWORLD INC**, by and through its agents, servants, officers and employees, managed the **SPP**.

JURISDICTION

12. This court has jurisdiction over this matter pursuant to the provisions of 28 U.S.C. § 1332 (a)(1) and (2). The parties hereto are completely diverse and the matter in controversy exceeds the sum of \$75,000.00.
13. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(a) because Defendants conduct, advertise and attract substantial business in this District and Plaintiffs reside in this District.

JURY DEMAND

14. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs demand a trial by jury of all issues in this action so triable of right.

FACTS

15. On July 28, 2022, at or about 3:10 P.M., while infant plaintiff **G.L.** was a lawful patron at defendants' **SEAWORLD LLC** and **SEAWORLD INC**, jointly and severally, amusement park **SPP**, specifically within the "Handimals" area of **SPP**, an umbrella, which was not secured to the ground, fell toward infant plaintiff **G.L.** and an uncovered screw on the umbrella struck the infant plaintiff **G.L.**'s leg causing the infant plaintiff **G.L.** to suffer serious permanent physical and psychological injuries.
16. Due to the above, Plaintiff **SERENA LICASTRO** suffered loss of consortium, was responsible for the medical and emotional care of infant plaintiff **G.I.** and suffered psychological injuries due to same.

**FIRST CAUSE OF ACTION ON BEHALF OF THE INFANT PLAINTIFF G.L. BY
SERENA LICASTRO, HER MOTHER AND NATURAL GUARDIAN**

COUNT I: NEGLIGENCE

17. The injury to the infant plaintiff was caused solely by the negligence and carelessness of the defendants.
18. The acts and/or omissions to act constituting the negligence of the defendants, their agents, servants and/or employees are as follows:
- a. In failing to secure the umbrella to the ground;
 - b. In failing to secure the umbrella by means of a ground socket;
 - c. In failing to secure the umbrella by means of a mounting plate;
 - d. In failing to secure the umbrella by means of a significant base weight;
 - e. In failing to ensure the safety of the umbrella before allowing patrons and guests to have access to same, specifically infant Plaintiff **G.L.**;
 - f. In failing to ensure that screws on the umbrella were covered by safety material to avoid patrons and guests being injured by contact with same, specifically infant Plaintiff **G.L.**;
 - g. In failing to repair the umbrella to ensure its safety;
 - h. In failing to remove the defective and dangerous umbrella from access to patrons and guests, specifically infant Plaintiff **G.L.**;
 - i. In that defendants created and maintained an unsafe and dangerous environment for the infant plaintiff by allowing a dangerous and unsecured umbrella in an open area of **SPP**;

- j. In failing to provide proper warnings to guests and patrons of the presence of the uncovered screw on the umbrella, specifically infant Plaintiff **G.L.**;
 - k. In failing to provide proper warnings to guests and patrons of the umbrella not being secured to the ground;
 - l. In failing to warn guests and patrons that the umbrella was dangerous, specifically infant Plaintiff **G.L.**; and
 - m. In that the defendants were otherwise negligent in the premises.
19. That solely by reason of the negligence and carelessness of the defendants, jointly and severally, their agents, servants, officers and employees, infant plaintiff sustained serious injuries at or about her body, head, nerves and nervous system, specifically, her abrasions and contusions to her body; five inch laceration to her left leg requiring sutures; permanent scar on left leg; future corrective plastic surgery; nerve damage; depression; fear; anxiety; extreme emotional distress; humiliation; stress; inability to sleep; that some of her injuries may be permanent; that she required medicines and medical attention; and will be required to seek further medical attention in the future; and was prevented from attending to her daily social activities.
20. By reason of the negligence of the defendants as aforesaid, Infant plaintiff has been damaged in the sum of One Million Dollars (\$1,000,000.00).

COUNT II: ON BEHALF OF PLAINTIFF SERENA LICASTRO, INDIVIDUALLY

21. Plaintiff repeats and realleges each and every allegation hereinbefore stated with the same force and effect as if the same were again set forth at length.

22. That as a result of the negligent, careless and reckless conduct of the defendants, **SEAWORLD LLC** and **SEAWORLD INC**, their servants, officers and employees, this plaintiff was caused to be deprived of the services and companionship of her daughter, the infant plaintiff **G.L.**, and will be caused to provide her daughter the infant plaintiff **G.L.**, with medical care and attention now and in the future.
23. That by reason of the foregoing, this plaintiff has suffered substantial damages.
24. By reason of the aforesaid, plaintiff has been damaged in the sum of Five Hundred Thousand (\$500,000.00).

WHEREFORE, plaintiffs demand judgment against the defendants on all causes of action in the sum of One Million, Five Hundred Thousand (\$1,500,000.00) dollars, together with the costs and disbursements of this action and for such other and further relief as is just and proper.

Dated: New York, New York
November 10, 2022

Yours, etc.,



LAW OFFICES OF DEVON M. RADLIN
Attorney for Plaintiffs
112 W 34th Street – 18th Floor
New York, New York 10120
Tel. No.: (212) 406-9200
Email: Devon@LawDMR.com

Index No.:

Year

RJI No.:

Hon:

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

**G [REDACTED] L [REDACTED], an infant by SERENA LICASTRO, Her
Natural Mother and Legal Guardian and SERENA
LICASTRO, Individually,**

Plaintiffs,

-against-

**SEAWORLD PARKS & ENTERTAINMENT, INC. d/b/a
SESAME PLACE PHILADELPHIA and SEAWORLD
PARKS & ENTERTAINMENT LLC d/b/a SESAME
PLACE PHILADELPHIA,**

Defendants.

COMPLAINT

DEVON M. RADLIN

Attorney for Plaintiff

Office & Post Office Address, Telephone

112 W 34th Street- 18th Floor

NEW YORK, N.Y. 10120

(212) 406-9200

To:

Signature (Rule 130-1.1-a)

Print name beneath

Attorney(s) for

Service of a copy of the within
Dated,

is hereby admitted.

Attorney(s) for

Please take notice

¶ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within names court on

¶ NOTICE OF SETTLEMENT

that an order of which the within is a true copy will be presented for settlement to the HON.
one of the judges of the within names court, at

on

Yours, etc.

To:

DEVON M. RADLIN

Attorney for Plaintiff

112 W 34th St, 18th Floor

NEW YORK, NY 1012

Attorney(s) for: